

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Soc.Sec. # _____

Plaintiff,

-against-

CIVIL COMPLAINT
-CV- ()

Jo Anne Barnhart,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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Plaintiff respectfully alleges:

1. That this is an action in the nature of a review of the decision of the administrative law judge pursuant to Section 205(g) and/or Section 1631 (c)(3) of the Social Security Act, as amended, 42 U.S.C. Section 405(g) and Section 1383(c)(3).

2. That the plaintiff resides at _____

3. That the defendant is the Commissioner of Social Security.

4. The defendant, as Commissioner of Social Security, has full power and responsibility over disability insurance benefits and Supplemental Security Income benefits under the Social Security Act, as amended.

5. That the plaintiff became entitled to receive disability insurance benefits and/or Supplemental Security Income benefits by virtue of _____

6. That plaintiff's disability has been established and began on

7. That the Bureau of Disability Insurance of the Social Security Administration disallowed plaintiff's application upon the ground that plaintiff failed to establish a period of disability and upon the ground that plaintiff did not have an impairment or combination of impairments of the severity prescribed by the pertinent provisions of the Social Security Act to establish a period of disability or to allow disability insurance benefits or Supplemental Security Income benefits.

8. That subsequent thereto, plaintiff requested a hearing, and on _____ a hearing was held which resulted in a denial of plaintiff's claim on _____

9. Thereafter, plaintiff requested a review by the Appeals Council, and after its consideration, said request was denied on _____ thereby making the administrative law judge's decision the "final decision" of the Commissioner, subject to judicial review pursuant to Section 205(g) of the Social Security Act, 42 U.S.C. Section 405(g).

10. That the decision of the administrative law judge was erroneous.

11. That the decision of the administrative law judge was contrary to the law.

WHEREFORE, plaintiff respectfully prays that

(A) A summons be issued to defendant directing him/her to appear before the Court;

(B) Defendant be ordered to submit a certified copy of the transcript of the record including evidence upon which the findings and decisions complained of, are based;

(C) Upon such record, this Court modify the decision of the defendant to grant maximum monthly insurance and/or Supplemental Security Income benefits to the plaintiff, retroactive to the date of initial disability , and,

(D) For such other and further relief as to this Court may seem just and proper.

Signature of Plaintiff

Name

Address

City

State

Zip Code

Telephone Number

Social Security Number

Dated: -_____